

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

KELLY M. MURTON
xxx-xx-4732

Debtor

:CHAPTER 13
:CASE NO. 19-10216/AMC

U.S. BANK TRUST NATIONAL
ASSOCIATION AS TRUSTEE OF
LODGE SERIES IV TRUST

Movant,

V.

KELLY M. MURTON

Debtor,

:Hearing Date: June 30, 2020 at 11:00 a.m.

WILLIAM C. MILLER

Trustee,

Respondents.

**MOTION BY U.S. BANK TRUST NATIONAL ASSOCIATION AS TRUSTEE OF
LODGE SERIES IV TRUST FOR RELIEF FROM THE AUTOMATIC STAY
TO PERMIT MOVANT TO EXERCISE ITS RIGHTS UNDER STATE LAW
AGAINST CERTAIN REALTY KNOWN AS 406 DRESHER WOODS
DRIVE, DRESHER, PENNSYLVANIA 19025**

Movant, by its Attorney, Romano Garubo & Argentieri, Emmanuel J. Argentieri, Esquire appearing, hereby requests a modification of the automatic stay and leave so it can exercise its rights under state law against certain realty and avers as follows:

1. Movant is U.S. Bank Trust National Association as Trustee of Lodge Series IV Trust (hereinafter “Movant”).

2. On November 17, 2006, Kelly Murton (hereafter “Debtor”) executed a note secured by a mortgage against the property known as 406 Dresher Woods Drive, Dresher, Pennsylvania 19025 (“Subject Property”) in which Debtor is the title holder. **(Please see subject loan documents, attached hereto as Exhibit A).**

4. Debtor’s Chapter 13 petition was filed January 11, 2019.

5. Debtor should have made seventeen (17) payments outside of the plan since the date of filing petition.

6. However, since the date of filing, Debtor has made nine (9) payments.

7. Debtor is behind eight (8) payments outside the plan, through the payment due June 1, 2020. *See attached payment history.*

8. The total amount of delinquency outside the plan is \$6,799.73.

The amount is computed in the following manner:

3 times payment of \$846.11 (11/1/19 - 1/1/20) and 5 times payment of \$852.28 (2/1/20 – 6/1/20).

9. Pursuant to the foregoing, Movant contends that cause exists to grant it relief from the Automatic Stay. Movant is not adequately protected. Accordingly, Movant is entitled to relief from the automatic stay under 11 *U.S.C.* §362(d)(1).

10. Movant has cause to have relief from the Automatic Stay effective immediately and such relief should not be subject to the fourteen day period set forth in Bankruptcy Rule 4001(a)(3), as Movant will incur substantial additional costs and expenses by the imposition of said fourteen day period.

11. Movant has had to incur legal fees as a result of the prosecution of this Motion.

12. The other Respondent is the Chapter 13 Trustee appointed in the above-captioned chapter 13 proceeding.

WHEREFORE, Movant respectfully requests that the Court enter an Order which grants it relief from the Automatic Stay, along with all other relief the Court deems just and equitable under the circumstances.

ROMANO GARUBO & ARGENTIERI
Attorneys for Movant

By: /s/ Emmanuel J. Argentieri
Emmanuel J. Argentieri, Esquire
PA Attorney ID No. 59264

Dated: 6/5/20

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